

Allowable Subject Matter

Claims 1 – 8 and 10 - 20 are allowed.

Reasons for Allowance

The following is a statement of reasons for indication of allowable subject matter.

The prior art fails to teach or suggest the limitations of:

"accessing a web server of a merchant service provider...using a transaction device during a transaction involving a transaction card...entering the transaction card into a card reader of the transaction device...entering confirmation of a previously entered transaction dollar value in response to a prompt from the web server...wherein the transaction device does not utilize any merchant service provider proprietary software or any merchant service provider proprietary network for the transaction information and confirmation." (as in Claim 1).

Such limitation is present in all independent claims.

It is old and well known in the art to process transactions using a transaction device with a card reader and transmitting the information obtained from a transaction card inserted into the card reader to a web server. It is also old and well known in the art to utilize non-proprietary software or non-proprietary networks for processing of transaction data, and transmission of confirmation data based upon the transaction data.

However, the inventive or innovative step does not need to be derived from the individual components of the invention but can be derived from a unique or novel approach to combining or utilizing such prior existing elements, for the Federal Circuit has long established that "[c]ombination claims can consist of new combinations of old elements . . . for it may be that the combination of the old elements is novel and

patentable." *Clearstream Wastewater Sys. v. Hydro-Action, Inc.*, 206 F.3d 1440, 1444, 54 USPQ2d 1185, 1189 (Fed. Cir. 2000).

Muftic (US Patent 5,850,442) discloses a method/system for process transactions using a transaction device with a card reader and transmitting the information obtained from a transaction card inserted into the card reader to a web server. (see col. 7, lines 14 – 64; col. 10, lines 26 – 39). Neither this patent, alone nor in combination with others, discloses nor suggests the feature of utilizing non-proprietary software or non-proprietary networks for processing of transaction data, nor transmission of confirmation data based upon the transaction data.

PR Newswire (*General Instrument's Digital Interactive Cable TV Set-Top Terminals to Become the Latest New Acceptance Device for Visa Smart Cards*. New York. December 10, 1998) discloses a method/system for process transactions using a transaction device with a card reader and transmitting the information obtained from a transaction card inserted into the card reader to a web server. (see p. 1). Neither this non-patent literature, alone nor in combination with others, discloses nor suggests the feature of utilizing non-proprietary software or non-proprietary networks for processing of transaction data, nor transmission of confirmation data based upon the transaction data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. BORLINGHAUS whose telephone number is

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(571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693
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